

I certify that the attached is a true and  
correct copy of HB 1445, which  
was filed of record on FEB 23 1989  
and referred to the committee on:  
Public Education

  
Betty Manning  
Clerk of the House

1989 MAR -8 AM 11:41

HOUSE OF REPRESENTATIVES

FILED FEB 23 1989

By Hammond

H. B. No. 1445

A BILL TO BE ENTITLED

AN ACT

relating to a proclamation of state textbook categories by the  
State Board of Education and to the establishment, powers, and  
duties of textbook proclamation advisory committees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 12, Education Code, is  
amended by adding Section 12.04 to read as follows:

Sec. 12.04. TEXTBOOK PROCLAMATION; PROCLAMATION COMMITTEES.

(a) The State Board of Education shall annually issue a  
proclamation of the categories of textbooks and other instructional  
material scheduled for adoption that year.

(b) The board shall include in the proclamation a schedule  
for the adoption process, including board meetings at which  
adoptions may be made.

(c) The board shall appoint a textbook proclamation advisory  
committee for each subject area for which textbooks are to be  
adopted. The board may determine the number of persons to serve on  
each committee.

(d) Each textbook proclamation advisory committee shall make  
recommendations for the proclamation to the board for the subject  
area assigned to that committee relating to:

(1) specifications for the content of textbooks, which  
must be consistent with the curriculum requirements of Section  
21.101 of this code and with rules adopted under that section; and

1                   (2) criteria to be used to evaluate textbooks  
2 submitted for consideration.

3                   (e) At least a majority of the members of each textbook  
4 proclamation advisory committee shall be classroom teachers, and  
5 all members shall be appointed because of unusual backgrounds of  
6 training or recognized ability as teachers in the subject fields  
7 for which adoptions are to be made during the year of appointment.  
8 At least one member of each textbook proclamation advisory  
9 committee shall be knowledgeable in the field of special education.  
10 At least two members of each textbook proclamation advisory  
11 committee shall be persons who are not employed in the public  
12 schools, but who are recognized for their expertise in a subject  
13 area assigned to that committee.

14                   (f) A person is not eligible for appointment to a textbook  
15 proclamation advisory committee if, during the two years preceding  
16 the person's appointment, the person or the person's spouse:

17                   (1) is employed by or receives funds from a textbook  
18 publishing firm or an agent representing a textbook author or a  
19 publishing firm; or

20                   (2) owns or controls, directly or indirectly, any  
21 interest in a textbook publishing firm or an entity receiving funds  
22 from a textbook publishing firm.

23                   (g) During a person's term on a textbook proclamation  
24 advisory committee, the person or the person's spouse may not  
25 engage in an activity for which a person is ineligible for  
26 appointment under Subsection (f) of this section. For two years  
27 after the date on which the person's term expires, the person or

1 the person's spouse may not be employed by a textbook publishing  
2 firm or an agent representing a textbook author or a publishing  
3 firm.

4 (h) Each person appointed to a textbook proclamation  
5 advisory committee shall file with the State Board of Education an  
6 affidavit verifying that the person does not have an interest that  
7 conflicts with the duties of the committee.

8 SECTION 2. This Act takes effect September 1, 1989.

9 SECTION 3. The importance of this legislation and the  
10 crowded condition of the calendars in both houses create an  
11 emergency and an imperative public necessity that the  
12 constitutional rule requiring bills to be read on three several  
13 days in each house be suspended, and this rule is hereby suspended.

# HOUSE COMMITTEE REPORT

89 APR 23 PM 10:13

HOUSE OF REPRESENTATIVES

1st Printing

By Hammond

H.B. No. 1445

Substitute the following for H.B. No. 1445:

By Hammond

C.S.H.B. No. 1445

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BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 12, Education Code, is amended by adding Section 12.04 to read as follows:

Sec. 12.04. TEXTBOOK PROCLAMATION; PROCLAMATION COMMITTEES.

(a) The State Board of Education shall issue a proclamation of the schedule for the adoption process for a category of textbooks and other instructional material not later than 32 months before the date scheduled for adoptions for that category. The board shall include in the proclamation a schedule of the board meetings at which the adoptions may be made.

(b) The board shall appoint a textbook proclamation advisory committee for each subject area for which textbooks are to be adopted. The board may determine the number of persons to serve on each committee.

(c) Each textbook proclamation advisory committee shall make recommendations for the proclamation to the board for the subject area assigned to that committee relating to:

(1) specifications for the content of textbooks, which must be consistent with the curriculum requirements of Section 21.101 of this code and with rules adopted under that section; and

1           (2) criteria to be used to evaluate textbooks  
2 submitted for consideration.

3           (d) At least a majority of the members of each textbook  
4 proclamation advisory committee shall be classroom teachers, and  
5 all members shall be appointed because of unusual backgrounds of  
6 training or recognized ability as teachers in the subject fields  
7 for which adoptions are to be made during the year of appointment.  
8 At least one member of each textbook proclamation advisory  
9 committee shall be knowledgeable in the field of special education.  
10 At least two members of each textbook proclamation advisory  
11 committee shall be persons who are not employed in the public  
12 schools, but who are recognized for their expertise in a subject  
13 area assigned to that committee.

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15 proclamation advisory committee if, during the two years preceding  
16 the person's appointment, the person or the person's spouse:

17               (1) is employed by or receives funds from a textbook  
18 publishing firm or an agent representing a textbook author or a  
19 publishing firm; or

20               (2) owns or controls, directly or indirectly, any  
21 interest in a textbook publishing firm or an entity receiving funds  
22 from a textbook publishing firm.

23           (f) During a person's term on a textbook proclamation  
24 advisory committee, the person or the person's spouse may not  
25 engage in an activity for which a person is ineligible for  
26 appointment under Subsection (e) of this section. For two years  
27 after the date on which the person's term expires, the person or

1 the person's spouse may not be employed by a textbook publishing  
2 firm or an agent representing a textbook author or a publishing  
3 firm.

4 (g) Each person appointed to a textbook proclamation  
5 advisory committee shall file with the State Board of Education an  
6 affidavit verifying that the person does not have an interest that  
7 conflicts with the duties of the committee.

8 SECTION 2. This Act takes effect September 1, 1989.

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10 crowded condition of the calendars in both houses create an  
11 emergency and an imperative public necessity that the  
12 constitutional rule requiring bills to be read on three several  
13 days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable Gib Lewis  
Speaker of the House of Representatives

4-18-89  
(date)

Sir:

We, your COMMITTEE ON PUBLIC EDUCATION,

to whom was referred HB 1445 have had the same under consideration and beg to report  
(measure)  
back with the recommendation that it

- ( ) do pass, without amendment.  
( ) do pass, with amendment(s).  
☒ do pass and be not printed; a Complete Committee Substitute is recommended in lieu of the original measure.  
A fiscal note was requested. ☒ yes ( ) no An actuarial analysis was requested. ( ) yes ☒ no  
An author's fiscal statement was requested. ( ) yes ☒ no  
A criminal justice policy impact statement was prepared. ( ) yes ☒ no  
A water development policy impact statement was requested. ( ) yes ☒ no  
( ) The Committee recommends that this measure be sent to the Committee on Local and Consent Calendars for placement on the ( ) Local, ( ) Consent, or ( ) Resolutions Calendar.  
This measure ( ) proposes new law. ☒ amends existing law.

House Sponsor of Senate Measure \_\_\_\_\_

The measure was reported from Committee by the following vote:

|                   | AYE | NAY | PNV | ABSENT |
|-------------------|-----|-----|-----|--------|
| Glossbrenner, Ch. | ✓   |     |     |        |
| Luna, V.C.        | ✓   |     |     |        |
| Colbert, C.B.O.   |     |     |     | ✓      |
| Arnold            | ✓   |     |     |        |
| Berlanga          |     |     |     | ✓      |
| Edge              | ✓   |     |     |        |
| Grusendorf        | ✓   |     |     |        |
| Hammond           |     |     |     | ✓      |
| Schoolcraft       | ✓   |     |     |        |
|                   |     |     |     |        |
|                   |     |     |     |        |
|                   |     |     |     |        |
|                   |     |     |     |        |
|                   |     |     |     |        |
|                   |     |     |     |        |

Total  
6 aye  
0 nay  
0 present, not voting  
3 absent

E. J. G. G. G.  
CHAIRMAN  
Deborah K. Wall  
COMMITTEE COORDINATOR

HB 1445

By: Hammond

CSHB 1445

By: Hammond

## BILL ANALYSIS

**BACKGROUND:** In accordance with rules of the State Board of Education (19 TAC Section 81.105), each year the Board issues a textbook proclamation advertising for bids on textbooks. The textbook proclamation specifies detailed content requirements for textbooks to be adopted, establishes quotas for distribution, and contains a schedule for the adoption process. The textbook proclamation is developed by the staff of the Texas Education Agency and submitted to the State Board of Education for approval.

**PURPOSE:** HB 1445 would establish in law that the State Board of Education shall annually issue a textbook proclamation that includes a schedule for the adoption process. The bill would also provide for textbook proclamation advisory committees for each subject area for which textbooks are to be adopted. These committees, appointed by the State Board, would make recommendations to the Board as to the content of textbooks and criteria to be used to evaluate textbooks rather than the Texas Education Agency staff as is now the case.

SECTION-BY-SECTION ANALYSIS:

Section 1. Amends Subchapter A (General Provisions) of Chapter 12 (Textbooks) of the Education Code by adding Section 12.04 (Textbook Proclamation; Proclamation Committees).

Subsection (a) requires the the State Board of Education to issue, not later than 32 months before the date scheduled for adoption, a proclamation of the schedule for the adoption process for a category of textbooks and other instructional material. A schedule for the board meetings at which the textbook adoptions may be made shall be included in the proclamation.

Subsection (b) requires the State Board to appoint a textbook proclamation advisory committee (committee) for each subject area and allows the Board to determine the number of persons to serve on each committee.

Subsection (c) requires each committee to make recommendations to the Board in their subject area on the content of, and evaluation criteria to be used for, the textbooks to be considered.

Subsection (d) provides for the composition of the members of the committee, at least a majority of whom must be classroom teachers with expertise in the subject area, at least one of whom must be a member with special education expertise, and at least two of whom are persons from the private sector with expertise in the subject area.

Subsection (e) states that no person may serve on the committee if, within two years of the person's appointment, that person or that person's spouse has in any way been employed by, received funds from or owned or controlled interest in, a textbook publishing firm or an agent representing a textbook author or publishing firm.

Subsection (f) specifies that the prohibitions spelled out in Subsection (e) pertaining to employment continue to apply during the person's term on the committee and for two years afterward.

Subsection (g) requires committee appointees to file an affidavit with the State Board confirming that they have no conflict of interest as spelled out above.

Section 2. Effective date September 1, 1989.

Section 3. Emergency clause.

RULEMAKING AUTHORITY: It is the opinion of the committee that this bill does not delegate rulemaking authority to any state agency, institution, officer or department.



COMPARISON OF SUBSTITUTE TO ORIGINAL:

Section 1, which adds Section 12.04 to the Education Code, is amended so that the State Board of Education is required to issue a schedule by proclamation of the adoption process, including board meetings at which the textbook adoptions may be made. This proclamation must be made no later than 32 months before the date scheduled for adoption of the textbooks and materials. These changes combine Subsections (a) and (b) of the original bill. Subsequent subsections are re-lettered appropriately.

SUMMARY OF COMMITTEE ACTION:

HB 1445 was heard in a public hearing before the Public Education Committee on April 4, 1989. Thomas Anderson, Deputy Commissioner for the Texas Education Agency, testified on HB 1445. There were no witnesses speaking for or against the bill, which was then referred to subcommittee. The subcommittee met in a formal meeting on April 11, 1989. At that time, Rep. Hammond offered a substitute for the bill. Rep. Berlanga moved that CSHB 1445 be referred back to the full committee with a favorable recommendation that it do pass. The motion prevailed by the following record vote: Ayes: Berlanga, Hammond (2); Nays: None (0); Absent: Grusendorf (1). The substituted bill was taken up in a public hearing before the full committee on April 18, 1989. There were no witnesses speaking for or against the bill. Rep. Grusendorf moved that HB 1445 do pass as substituted. The motion prevailed by the following record vote: Ayes: Glossbrenner, Luna, Arnold, Edge, Grusendorf, Schoolcraft (6); Nays: None (0); Absent: Colbert, Berlanga, Hammond (3).

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 20, 1989

TO: Honorable Ernestine Glossbrenner, Chair In Re: Committee Substitute for  
Committee on Public Education House Bill No. 1445  
House of Representatives  
Austin, Texas

FROM: Jim Oliver, Director

In response to your request for a Fiscal Note on Committee Substitute for House Bill No. 1445 (relating to a proclamation of state textbook categories by the State Board of Education and to the establishment, powers, and duties of textbook proclamation advisory committees) this office has determined the following:

No fiscal implication to the State or units of local government is anticipated.

Criminal Justice Policy Impact Statement: No change in the sanctions applicable to adults convicted of felony crimes is anticipated.

Source: LBB Staff: JO, JWH, PA

# LEGISLATIVE BUDGET BOARD

Austin, Texas

## FISCAL NOTE

April 4, 1989

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Committee on Public Education  
House of Representatives  
Austin, Texas

In Re: House Bill No. 1445  
By: Hammond

FROM: Jim Oliver, Director

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H. B. No.

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By

Hammond

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FEB 23 1989

1. Filed with the Chief Clerk.

MAR 8 1989

2. Read first time and Referred to Committee on

Public Education

APR 18 1989

3. Reported favorably <sup>(as amended)</sup> <sub>(as substituted)</sub> and sent to Printer at 5:45pm

APR 21 1989

APR 23 1989

4. Printed and distributed at 10:13pm

APR 24 1989

5. Sent to Committee on Calendars at 4:34pm

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)

(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION: OTHER ACTION:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments)  
(Substitute) by a (Non-Record  
Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_

RECEIVED

89 APR 23 PM 10:18

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